

## IN THE CLAIMS

Please amend the claims as follows:

1. (Currently Amended) ~~Record~~A record carrier of a writable type for recording information by writing marks in a track via a beam of radiation entering through an entrance face of the record carrier, the record carrier comprising:
  - [[ - ]] at least a first recording layer ~~(40)~~ having a first recording stack of a first type and a second recording layer ~~(41)~~ having a second recording stack of a second type, the first recording layer being present at a position closer to the entrance face than the second recording layer and the first and second recording stack having different writing parameters, ~~and~~
  - [[ - ]] at least one transparent spacer layer between the recording layers, ~~and~~
  - [[ - ]] each recording layer comprising a pre-formed recording control pattern that is readable via said beam for indicating the track, and at least one recording control pattern comprising a recording stack type indicator for indicating the writing parameters of the second recording stack.
2. (Currently Amended) ~~Record~~The record carrier as claimed in claim 1, wherein the at least one recording control pattern of the first recording layer comprises a recording stack type indicator for indicating the writing parameters of the first recording stack, and the at least one recording control pattern of the second

recording layer comprises the recording stack type indicator for indicating the writing parameters of the second recording stack.

3. (Currently Amended) ~~Record~~The record carrier as claimed in claim 1, wherein the at least one recording control pattern of the first recording layer comprises a recording stack type indicator for indicating the writing parameters of the second recording stack.

4. (Currently Amended) ~~Record~~The record carrier as claimed in claim 1, wherein the recording control pattern comprises a recording stack type indicator that is an indicator of a polarity of a push-pull signal to be used for scanning the track.

5. (Currently Amended) ~~Record~~The record carrier as claimed in claim 1, wherein the pre-formed recording control pattern is constituted by a pregroove indicating the position of the track, the pregroove exhibiting a wobble constituted by displacements of the pregroove in a direction transverse to the longitudinal direction of the track, and the wobble exhibiting a modulation representing the recording stack type indicator.

6. (Currently Amended) ~~Device~~A device for recording a record carrier ~~(11)~~ by writing marks in a track via a beam of radiation ~~(24)~~, the record carrier comprising:

[[-]] at least a first recording layer ~~(40)~~ having a first recording stack of a first type and a second recording layer ~~(41)~~ having a second recording stack of a second type, the first recording layer being present at a position closer to the entrance face than the second recording layer and the first and second recording stack having different writing parameters~~, and~~;

[[-]] at least one transparent spacer layer between the recording layers~~, and~~;

[[-]] each recording layer comprising a pre-formed recording control pattern that is readable via said beam for indicating the track, and at least one recording control pattern comprising a recording stack type indicator for indicating the writing parameters of the second recording stack,

the device comprising:

[[-]] a head ~~(22)~~ for providing the beam~~, of radiation~~;

[[-]] a front-end unit ~~(31)~~ for generating at least one scanning signal ~~(33, 35)~~ for detecting marks in the track and for detecting the pre-formed recording control pattern~~, and~~;

[[-]] a demodulation unit ~~(32)~~ for retrieving the recording stack type indicator from the scanning signal~~, and~~;

[[-]] a control unit ~~(20)~~ for adjusting recording parameters in the device in dependence of the recording stack type indicator retrieved from the scanning signal.

7. (Currently Amended) ~~Device—The device~~ as claimed in claim 5, wherein the control unit is arranged for adjusting as recording parameters gain or polarity settings of a radial servo unit ~~—(25)—~~.

8. (Currently Amended) ~~Device—The device~~ as claimed in claim 5, wherein the control unit is arranged for adjusting ~~as recording parameters~~ ~~as recording parameters~~, a write strategy or a power control procedure for recording data on the second recording layer.